

Remarks

This Application has been carefully reviewed in light of the Office Action ("Office Action") mailed August 23, 2007. Applicant appreciates the Examiner's consideration of the Application. Applicant amends Claims 5, 11, and 17 and adds new Claims 19-24. Claims 1-24 remain pending. Applicant respectfully requests reconsideration and allowance of all pending claims.

Examiner's Note Regarding 35 U.S.C. § 112

The Office Action contends that Claims 7, 11, 12, 13, 17, and 18 "pass the first test of the three-prong test" used to determine invocation of 35 U.S.C. § 112, paragraph 6, but "do not meet the other tests of the three-prong test." The Office Action further contends that "no other specific structural limitations are disclosed in the specification." The Office Action provides no additional rationale in this regard. Applicant respectfully requests that the Examiner particularly point out, claim-by-claim, which "test" the claims allegedly do not meet and why. Otherwise, Applicant is unable to respond to (e.g., confirm or traverse) the vague allegations of the Office Action. For example, the Office Action seems to contend that Claim 13 "pass[es] the first test of the three-prong test," but the Examiner provides no justification or reasoning why. Further, the Office Action seems to contend that Claim 13 does "not meet the other tests of the three-prong test," but the Examiner fails to provide a justification for this position.

Claim Objections

The Examiner objects to Claims 5, 11, and 17 and alleges that they each recite what appears to be a typographical error. Applicant amends Claims 5, 11, and 17, and respectfully contends that these claim objections are moot.

Rejections under 35 U.S.C. § 103

The Examiner rejects Claims 1-2, 4-5, 7-8, 10-11, 13-14, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,279,113 B1 by Vaidya ("*Vaidya*"). Applicant respectfully traverses these rejections for the reasons discussed below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.

Applicant respectfully submits that each and every element of Claim 1 is not found within the references cited by the Examiner.

Claim 1 recites:

A method for maintaining security of a computer system, comprising:
determining an initial system certainty value for the computer system;
providing access to a database of signatures, each signature including a
signature certainty value;
receiving data;
comparing the received data with the database of signatures;
increasing the system certainty value if the received data does not
match a signature in the database;
decreasing the system certainty value if the received data matches a
signature in the database; and
filtering the data based on the system certainty value and the signature
certainty value of a signature matching the received data.

The Examiner admits that *Vaidya* does not explicitly disclose “increasing the system certainty value if the received data does not match a signature in the database” or “decreasing the system certainty value if the received data matches a signature in the database.” Office Action, page 4. The Examiner has not cited any other references that disclose these elements. Therefore, a *prima facie* case of obviousness has not been established, and Applicant respectfully submits that the rejection of Claim 1 is improper.

Applicant respectfully contends that *Vaidya* also fails to disclose “filtering the data based on the system certainty value and the signature certainty value of a signature matching the received data.” *Vaidya* discloses attack signature profiles that are used to determine whether data packets are associated with a network intrusion. *Vaidya*, Col. 6, lines 11-14. If a data packet matches an expression from the attack signature profile, then a network intrusion attempt has been detected. *Vaidya*, Col. 12, lines 5-8. However, after a data packet is determined to match an expression from the attack signature profile, *Vaidya* fails to teach filtering the data based on a system certainty value and a signature certainty value. Therefore, the rejection of Claim 1 is improper for these reasons as well. Claims 2, 4, and 5 depend from Claim 1 and incorporate all the limitations thereof. As such, Applicant respectfully requests that the rejections of Claims 1, 2, 4, and 5 be withdrawn.

Similar to Claim 1, Claims 7 and 13 include elements directed to “increasing the system certainty value if the received data does not match a signature in the database” and “decreasing the system certainty value if the received data matches a signature in the database.” Thus, for at least the reasons discussed above with regard to Claim 1, Applicant

respectfully submits that the rejections of Claims 7, and 13 are improper. Claims 8, 10, and 11 depend from Claim 7 and incorporate all the limitations thereof. Claims 14, 16, and 17 depend from Claim 13 and incorporate all the limitations thereof. As such, Applicant respectfully requests that the rejections of Claims 7, 8, 10, 11, 13, 14, 16, and 17 be withdrawn.

New Claim 19 teaches a system operable to “increase the system certainty value if the received data does not match a signature in the database” and “decrease the system certainty value if the received data matches a signature in the database.” Thus, for at least the reasons discussed above with regard to Claim 1, Applicant respectfully submits that Claim 19 is patentably distinct from the references cited. New Claims 20, 22, and 23 depend from new Claim 19 and incorporate all the limitations thereof. As such, Applicant respectfully submits that Claims 20, 22, and 23 are patentably distinct from the references cited.

The Examiner rejects Claims 3, 6, 9, 11, 15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Vaidya* in view of U.S. Patent No. 7,032,114 B1 by Moran (“*Moran*”). Applicant respectfully traverses these rejections for the reasons discussed below.

Claims 3 and 6 depend from Claim 1, and incorporate all the limitations thereof. As discussed above, *Vaidya* fails to teach all of the elements of Claim 1. *Moran* fails to overcome this deficiency. Therefore, Applicant respectfully requests that the rejections of Claims 3 and 6 be withdrawn for at least the same reasons as discussed above with regard to Claim 1.

Claims 9 and 11 depend from Claim 7 and incorporate all the limitations thereof. As discussed above, *Vaidya* fails to teach all of the elements of Claim 7. *Moran* fails to overcome this deficiency. Therefore, Applicant respectfully requests that the rejections of Claims 9 and 11 be withdrawn for at least the same reasons as discussed above with regard to Claim 7.

Claims 15 and 18 depend from Claim 13 and incorporate all the limitations thereof. As discussed above, *Vaidya* fails to teach all of the elements of Claim 13. *Moran* fails to overcome this deficiency. Therefore, Applicant respectfully requests that the rejections of Claims 15 and 18 be withdrawn for at least the same reasons as discussed above with regard to Claim 13.

Similarly, new Claims 21 and 24 depend from new Claim 19 and incorporate all the limitations thereof. As discussed above, *Vaidya* fails to teach all of the elements of Claim 19. *Moran* fails to overcome this deficiency. Therefore, Applicant respectfully submits that Claims 21 and 24 are patentably distinct from the references cited for at least the same reasons as discussed above with regard to Claim 19.

No Waiver

All of Applicant's arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the *Vaidya* and *Moran* references. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the obviousness rejections.

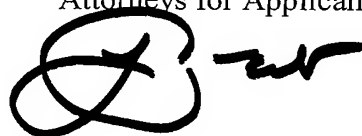
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending claims.

The Examiner is authorized to charge the amount of **\$410.00** for the addition of one independent claim and four dependent claims to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Luke K. Pedersen, Attorney for Applicant, at the Examiner's convenience at (214) 953-6655.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to be 'L. K. Pedersen', written over a circular scribble.

Luke K. Pedersen
Reg. No. 45,003

Date: 11/20/07

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